SINGLE BENCH

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 1292 / 2007

PETITIONER

Pratap Chand Dewangan, S/o Shri Kodan Lal Dewangan, age about 40 years, Assistar Teacher, Govt. Girl's Primar School – Sukli, Block – Lormi Distt. –Bilaspur (C.G.)

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VERSUS

RESPONDENTS

1. State of Chhattisgrh, Through – The Secretary Department of Education D.K.S. Bhawan, Raipur (C.G.)
2. Director Public Instruction Chhattisgarh Govt. Raipur
3. District Education Officer, Distt. – Bilaspur (C.G.)
4. Block Education Officer, Block – Lormi, Distt.- Bilaspur (C.G.)

P.R. No. 1515/07
Presented by Shri A.S. Rajput
dated 21/2/07

OATH COMMISSIONER
APARNA MALVIYA
20/02/07

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

The petitioner

(96)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1292 of 2007

Petitioners : Pratap Chand Dewangan

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.S. Rajput, Advocate for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for respondents/State.

O R D E R

(Passed on this 8th Day of March, 2007)

1. The petitioner was appointed vide order dated 09.01.1986 (P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of two years probation, he was granted regular pay scale of Rs. 545-950/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special

(27)

Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Amit